

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
Western DIVISION

Richard Maurice Jarrell
(Enter Above the Name of the Plaintiff in this Action)

3 : 19 cv 349

vs.

Army Review Boards Agency
(Enter above the name of the Defendant in this Action)

If there are additional Defendants, please list them:

National Personnel Records Center

THOMAS M. ROSE

United States Attorney

SHARON L. OVINGTON

United States Attorney General

COMPLAINT

I. Parties to the action:

Plaintiff: Place your name and address on the lines below. The address you give must be the address where the court may contact you and mail documents to you. A telephone number is required.

Richard Maurice Jarrell
Name - Full Name Please - PRINT

485 Caldwell Circle
Street Address

New Carlisle, Ohio 45344
City, State and Zip Code

937-215-8426
Telephone Number

If there are additional Plaintiffs in this suit, a separate piece of paper should be attached immediately behind this page with their full names, addresses and telephone numbers. If there are no other Plaintiffs, continue with this form.

Defendant(s):

Place the name and address of each Defendant you listed in the caption on the first page of this Complaint. This form is invalid unless each Defendant appears with full address for proper service.

1. Army Review Boards Agency
Name - Full Name Please
251 18th Street South Suite 385 Arlington, Virginia 22202-3531
Address: Street, City, State and Zip Code
2. National Personnel Records Center
1 Archives Drive St. Louis, MO. 63138-1002
3. United States Attorney
200 West Second Street Suite 600 Dayton, Ohio 45402
4. United States Attorney General
950 Pennsylvania Avenue NW Washington, DC 20530-0001
5. _____
6. _____

If there are additional Defendants, please list their names and addresses on a separate sheet of paper.

II. Subject Matter Jurisdiction

Check the box or boxes that describes your lawsuit:

- Title 28 U.S.C. § 1343(3)
[A civil rights lawsuit alleging that Defendant(s) acting under color of State law, deprived you of a right secured by federal law or the Constitution.]
- Title 28 U.S.C. § 1331
[A lawsuit "arising under the Constitution, laws, or treaties of the United States."]
- Title 28 U.S.C. § 1332(a)(1)
[A lawsuit between citizens of different states where the matter in controversy exceeds \$75,000.]
- Title 5 United States Code, Section 552a
[Other federal status giving the court subject matter jurisdiction.]

III. Statement of Claim

Please write as briefly as possible the facts of your case. Describe how each Defendant is involved. Include the name of all persons involved, give dates and places.

Number each claim separately. Use as much space as you need. You are not limited to the papers we give you. Attach extra sheets that deal with your statement claim immediately behind this piece of paper.

1. The Federal District Court has jurisdiction over this matter in accordance with the provisions of the Privacy Act of 1974 5 U.S.C. § 552a. Whenever any agency fails to comply with any other provisions of this section, or any rule promulgated there under, in such a way as to have an adverse effect on an individual, the individual may bring a civil action against the agency, and the district courts of the United States shall have jurisdiction in the matters under the provisions of this subsection.

Five claims and six exhibits are attached immediately behind this page.

2. Claim number 1: On 10/28/2016 my brother Stephen Jarrell filed a claim with the Army Review Boards Agency requesting that the Board make corrections to the records in his file. In order to determine if Stephen's request had merit the Board requested Stephen's file from the National Personnel Records Center. On 10/8/2019 Stephen requested a copy of his discharge physical, and a few other records, from the Army Review Boards Agency. On 10/9/2019 the FOIA officer at the Army Review Boards Agency responded to his request and sent him a copy of my discharge physical examination. It was then that I became aware that an unknown employee at the National Personnel Records Center, without due diligence, disclosed my Army discharge physical examination to another agency (the Army Review Boards Agency) without my prior written consent in a willful and intentional violation of the Privacy Act Section 3 (b).
3. Claim number 2: On 10/9/2019 Paul A. Petty the FOIA officer for the Army Review Boards Agency, without due diligence, disclosed my Army discharge physical to a third party without my prior written consent in a willful and intentional violation of the Privacy Act Section 3 (b). The disclosure of this record exposes me to harm because of the real possibility that such a disclosure could lead to the theft of my identity.
4. Claim number 3: The disclosure of my personal health records has caused me harm because it was a blatant invasion into my right to privacy. 5 U.S.C. § 552a Section 2 (4) (As Amended) The Congress finds that the right to privacy is a personal and fundamental right protected by the Constitution of the United States.

5. Claim number 4: 5 U.S.C. § 552a Section 2 (b) (2) permits an individual to prevent records pertaining to him obtained by such agencies for a particular purpose from being used or made available for another purpose without his consent. The misuse of my discharge physical to show that there was nothing physically or mentally wrong with my brother when he was discharged from the Army would cause me harm because I would have to continue to advocate for my brother as well as perform numerous other tasks that my brother quite frankly is unable to perform. These tasks include, but are not limited to, driving him to and from medical appointments and helping him to correctly interpret letters and decisions from various government agencies. The misuse of my discharge physical examination is an attempt by the Army Review Boards Agency to commit fraud, and if successful would be a miscarriage of justice and would result in an undue burden to be placed upon me.

6. Claim number 5: On 4/4/1990 the Board for Correction of Military Records made a decision in an application my brother Stephen made to them. His application was denied but the Board made an observation (exhibit E 2.) on page 3 paragraph 3 and alleged that Stephen stated that there had been no change in his medical condition since his last examination. Exhibit F shows the examination they were referring to and the date of that examination was 11/10/1971. Since Stephen was never given a discharge physical prior to his discharge the only discharge physical they could be referring to is my discharge physical. The Board misused my discharge physical to show that Stephen did not receive his injuries as a result of the assault on him that they refer to on page 3 in paragraph 1 of their decision. The reason they were able to make that statement is because they used my discharge physical to show that

Stephen had no physical or mental defects at the time he was discharged on 12/7/1971. This misuse of my discharge physical to show that Stephen had nothing wrong with him caused me harm due to the undue burden placed on me because the assault, the Board referenced, caused Stephen both mental and physical injuries. Those injuries include PTSD, depression, memory loss, confusion, cognitive deficits, anxiety, and other mental problems as well as physical injuries such as a fractured styloid process bone and Temporomandibular Joint Dysfunction both of which cause severe headaches swallowing problems and a variety of other health problems. To summarize the Army Board for Correction of Military Records (Army Review Boards Agency) used fraud to deny Stephen's claim which resulted in an undue burden being placed upon me.

7. Exhibit A 1. & A 2. is a two page letter from the FOIA officer at the Army Review Boards Agency explaining that the records were on loan to them from the National Personnel Records Center.
8. Exhibit B 1. & B 2. is a two page copy of my discharge physical which clearly shows that the examination took place at Fort Huachuca, Arizona which was where I was stationed prior to my discharge, on 11/2/1971. In box number one you can discern that the name on the document is my name Richard M. Jarrell and not Stephen P. Jarrell. You can also see that the year of birth is 1951 and not 1953 the year my brother, Stephen Jarrell, was born.
9. Exhibit C is a Morning Report showing, in section III, that my brother Stephen was

assigned to the Personnel Confinement Facility at Fort Ord, California on 11/4/1971.

10. Exhibit D 1. & D 2. is a two page order showing that Stephen remained in the Personnel Confinement Facility at Fort Ord until he was discharged on 12/7/1971.
11. Exhibit E 1. & E 2. is two pages of a decision by the Board for Correction of Military Records dated 4/4/1990.
12. Exhibit F is a Statement of Medical Condition dated 12/7/1971.



DEPARTMENT OF THE ARMY
ARMY REVIEW BOARDS AGENCY
251 18TH STREET SOUTH, SUITE 385
ARLINGTON, VA 22202-3531

Exhibit A 1.

October 9, 2019

FOIA PA Office

Stephen P. Jarrell
485 Caldwell Circle
New Carlisle, OH 45344-2846

Dear Mr. Jarrell:

This letter responds to your Freedom of Information Act (FOIA)/Privacy Act request, dated October 8, 2019, received in this office on October 9, 2019, requesting a copy of documents from your military personnel record on loan to us from the National Personnel Records Center (NPRC).

As a basis of your request, you provided a copy of a AGPERCEN Form 85 showing that on November 3, 1971, AGPERCEN forwarded to the Headquarters Commandant at Fort Ord your personnel record (DA Form 201), health record (DD Form 722 & 722-1), extracts from the morning reports (DA Form 188), and allied documents. This form does not show what is in your personnel record at NPRC.

A page by page review was made of your personnel record loaned to us by NPRC. The DD Form 722 & 722-1 is a Health Record jacket (folder) which would contain your medical documents. We did not receive that from NPRC. Usually the DD Form 722 & 722-1 are transferred to the Department of Veterans Affairs (VA) after Soldiers are discharged where they keep that record. This is particularly true when Veterans have had medical or benefit interactions with the VA.

You requested a copy of DA Forms 188 (Extract Copy of Morning Report) dated and prepared on April 7, 1971, and April 17, 1971. In a page by page review of your personnel file, we found only two DA Forms 188 (copies enclosed), one dated July 14, 1971, and one dated November 4, 1971.

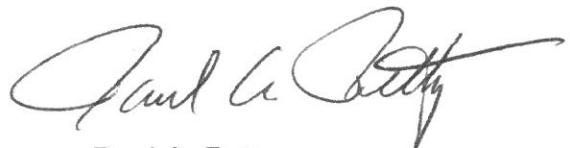
You requested a copy of your discharge physical examination. We found a copy dated November 11, 1971 (copy enclosed), which was part of your separation packet. It is a poor quality copy. The original is likely in your health record at the VA.

Exhibit A 2.

-2-

I trust that this answers your FOIA request.

Sincerely,



Paul A. Petty
FOIA PA Officer

Enclosures

Standard Form 88
(Rev. June 1956)
Bureau of the Budget
Circular A-32 (Rev.)

REPORT OF MEDICAL EXAMINATION

Exhibit B 1. 88-111-01

1. LAST NAME—FIRST NAME—MIDDLE NAME		2. GRADE AND COMPONENT OR POSITION		3. IDENTIFICATION NO.
John W. Bliss				18-111-01
4. HOME ADDRESS (Number, street or RFD, city or town, zone and State)		5. PURPOSE OF EXAMINATION		6. DATE OF EXAMINATION
1000 N. Main Street, Tucson, Arizona		Medical		
7. SEX	8. RACE	9. TOTAL YEARS GOVERNMENT SERVICE		
		MILITARY	CIVILIAN	
12. DATE OF BIRTH	13. PLACE OF BIRTH	10. AGENCY		11. ORGANIZATION UNIT
1937	Tucson, Arizona			
15. EXAMINING FACILITY OR EXAMINER, AND ADDRESS		14. NAME, RELATIONSHIP, AND ADDRESS OF NEXT OF KIN		
Raymond W. Bliss Army Hospital Fort Huachuca, Arizona 85613				
17. DOCTOR-IN-CHARGE		16. OTHER INFORMATION		
		TIME IN THIS CAPACITY (Total)		LAST SIX MONTHS
		1 yr.		Same

CLINICAL EVALUATION		
NORM. AL	(Check each item in appropriate col- umn; enter "NE" if not evaluated.)	ABNOR. MAL
18.	HEAD, FACE, NECK AND SCALP	
19.	NOSE	
20.	SINUSES	
21.	MOUTH AND THROAT	
22.	EARS—GENERAL (Int. & ext. canals) (Auditory acuity under items 70 and 71)	
23.	DRUMS (Perforation)	
24.	EYES—GENERAL (Visual acuity and refraction under items 59, 60 and 67)	
25.	OPHTHALMOSCOPIC	
26.	PUPILS (Equality and reaction)	
27.	OCULAR MOTILITY (Associated parallel move- ments, nystagmus)	
28.	LUNGS AND CHEST (Include breasts)	
29.	HEART (Thrust, size, rhythm, sounds)	
30.	VASCULAR SYSTEM (Varicosities, etc.)	
31.	ABDOMEN AND VISCERA (Include hernia)	
32.	ANUS AND RECTUM (Hemorrhoids, fistulas) (Prostate, if indicated)	
33.	ENDOCRINE SYSTEM	
34.	G-U SYSTEM	
35.	UPPER EXTREMITIES (Strength, range of motion)	
36.	FEET	
37.	LOWER EXTREMITIES (Except feet) (Strength, range of motion)	
38.	SPINE, OTHER MUSCULOSKELETAL	
39.	IDENTIFYING BODY MARKS, SCARS, TATTOOS	
40.	SKIN, LYMPHATICS	
41.	NEUROLOGIC (Equilibrium tests under item 72)	
42.	PSYCHIATRIC (Specify any personality deviation)	
43.	PELVIC (Females only) (Check how done)	
	<input type="checkbox"/> VAGINAL <input type="checkbox"/> RECTAL	

NOTES. (Describe every abnormality in detail. Enter pertinent item number before each comment. Continue in item 73 and use additional sheets if necessary.)

(Continue in item 73)

44. DENTAL (Place appropriate symbols above or below number of upper and lower teeth, respectively.)																REMARKS AND ADDITIONAL DENTAL DEFECTS AND DISEASES		
O—Restorable teeth								X—Missing teeth								(6 X 8)—Fixed bridge, brackets to include abutments		
/—Nonrestorable teeth								XXX—Replaced by dentures										
R	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	L	E
G	32	31	30	29	28	27	26	25	24	23	22	21	20	19	18	17	F	T

LABORATORY FINDINGS

45. URINALYSIS: A. SPECIFIC GRAVITY		46. CHEST X-RAY (Place, date, film number and result)	
B. ALBUMIN	NEG	D. MICROSCOPIC	3024
C. SUGAR	NEG		Raymond W. Bliss Army Hospital
47. SEROLOGY (Specify test used and result)		48. EKG	10/14/57 Fort Huachuca, Arizona 85613
13PRB Non-Reactive		49. BLOOD TYPE AND RH FACTOR	50. OTHER TESTS

Exhibit B 2.

MEASUREMENTS AND OTHER FINDINGS										
51. HEIGHT 66 "	52. WEIGHT 135	53. COLOR HAIR Brn.	54. COLOR EYES Brn.	55. BUILD: (Check one)	SLENDER	MEDIUM	HEAVY	OBSE	56. TEMPERATURE 88.6	
57. BLOOD PRESSURE (Arm at heart level)					58. PULSE (Arm at heart level)					
A. SITTING	SYS. DIAS.	B. SITTING RECLINING BENT	SYS. DIAS.	C. STANDING (3 min.)	SYS. DIAS.	A. SITTING 79	B. AFTER EXERCISE	C. 2 MIN. AFTER	D. RECUMBENT	E. AFTER STANDING 3 MIN.
59. DISTANT VISION					60. REFRACTION			61. NEAR VISION		
RIGHT 20/ 80	CORR. TO 20/		BY	S.	CX	✓ - /	CORR. TO		BY	
LEFT 20/ 80	CORR. TO 20/		BY	S.	CX	✓ - /	CORR. TO		BY	
62. HETEROPHORIA (Specify distance)										
ES°	EX°	R. H.	L. H.	PRISM DIV.	PRISM CONV.			PC	PD	
63. ACCOMMODATION			64. COLOR VISION (Test used and result) 0/14					65. DEPTH PERCEPTION (Test used and score)		UNCORRECTED
RIGHT	LEFT		PASSED							CORRECTED
66. FIELD OF VISION			67. NIGHT VISION (Test used and score)					68. RED LENS TEST		69. INTRAOCCULAR TENSION
70. HEARING			71. AUDIOMETER					72. PSYCHOLOGICAL AND PSYCHOMOTOR (Tests used and score)		
RIGHT WV /15 SV	/15		250 256	500 512	1000 1024	2000 2048	3000 2896	4000 4096	6000 6144	8000 8192
LEFT WV /15 SV	/15		RIGHT	X 0 0 0	X 0 0 0	X 0 0 0	X 0 0 0	V/S	10	X
73. NOTES (Continued) AND SIGNIFICANT OR INTERVAL HISTORY										

(Use additional sheets if necessary)

74. SUMMARY OF DEFECTS AND DIAGNOSES (List diagnoses with item numbers)

75. RECOMMENDATIONS—FURTHER SPECIALIST EXAMINATIONS INDICATED (Specify) 	76. A. PHYSICAL PROFILE 	
77. EXAMINEE (Check) A. <input checked="" type="checkbox"/> IS QUALIFIED FOR B. <input type="checkbox"/> IS NOT QUALIFIED FOR 	B. PHYSICAL CATEGORY 	
78. IF NOT QUALIFIED, LIST DISQUALIFYING DEFECTS BY ITEM NUMBER 	A B C E 	
79. TYPED OR PRINTED NAME OF PHYSICIAN 	B. ASLESON CPT MC 	SIGNATURE
80. TYPED OR PRINTED NAME OF PHYSICIAN 		SIGNATURE
81. TYPED OR PRINTED NAME OF DENTIST OR PHYSICIAN (Indicate which) 		SIGNATURE
82. TYPED OR PRINTED NAME OF REVIEWING OFFICER OR APPROVING AUTHORITY KENNETH R. RAISCH COL. MC 	SIGNATURE 	NUMBER OF ATTACHED SHEETS 1 U. S. GOVERNMENT PRINTING OFFICE 1967 O-272-598

EX CT COPY OF MORNING REPORT			Exhibit C
For use of this form, see AR 630-10; the proponent agency is The Adjutant General's Office			
SECTION I - IDENTIFICATION OF INDIVIDUAL CONCERNED			
1. LAST NAME, FIRST NAME, MIDDLE INITIAL (Includes Sr, Jr, 2d, III, etc, as applicable)	2. GRADE	3. SERVICE NO./SSAN	
JARRELL STEVEN P	PVI	237-98-0519	
SECTION II - EXTRACT COPY OF MORNING REPORT OF			
4. REPORTING UNIT AS SHOWN ON MORNING REPORT	5. PARENT UNIT AS SHOWN ON MORNING REPORT		
USA Pers Con Fac (Proc)	Hq Comd USATC Inf		
6. DATE, NAME, SERVICE NUMBER, GRADE, REMARKS, AND AUTHENTICATION EXTRACTED FROM MORNING REPORT			
Ending 2400 hrs 3 Nov 71 Jarrell Steven P 237-98-0519 PVI		ACCESSION Rtn-Jd para 553 SO 307 HQ USATC INF & Ft Ord CA EDCSA 27 Oct 71 Fr DFR of A-3-1 Ft Jackson SC app civ Upland CA PD 27 Oct 71 RMC March AFB CA 27 Oct 71 trf PMO Ft MacArthur CA 29 Oct 71 trf this sta 2 Nov 71	
/t/ JERRY L MOORE CPT INF ASST ADJ		/s/ Jerry L Moore	
SECTION III - CERTIFICATION AND AUTHENTICATION OF EXTRACT			
7. I CERTIFY THAT I AM (Check one) <input checked="" type="checkbox"/> THE COMMANDING OFFICER <input checked="" type="checkbox"/> THE PERSONNEL OFFICER OF THE ORGANIZATION RECORDED IN SECTION II			
<input type="checkbox"/> AN ADJUTANT GENERAL IN THE OFFICE OF THE ADJUTANT GENERAL, UNITED STATES ARMY, AND OFFICIAL CUSTODIAN OF THE MORNING REPORTS OF THE ORGANIZATION RECORDED IN SECTION II, AND THAT THE FOREGOING IS A TRUE AND COMPLETE COPY (Including any Signature or Initials Appearing Thereon) OF THAT PART OF THE MORNING REPORT OF SAID ORGANIZATION SUBMITTED AT FT ORD CA 93941			
FOR THE DATES INDICATED IN SAID COPY WHICH RELATE TO THE PERSON REFERRED TO IN EXTRACT COPY.			
8. COMPLETE DESIGNATION OF ORGANIZATION AND STATION (mailing address) HAVING CUSTODY OF THE MORNING REPORT		9. DATE THIS EXTRACT PREPARED	
USA PERS CON FAC (WOMY IN) FT ORD CA 93941		4 Nov 71	
10. TYPED NAME, GRADE, AND BRANCH OF SERVICE		11. SIGNATURE (Facsimile or Stamped Signature Not Acceptable)	
JERRY L MOORE CPT INF ASST ADJUTANT			

Exhibit D 1.

DEPARTMENT OF THE ARMY
HEADQUARTERS
UNITED STATES ARMY TRAINING CENTER, INFANTRY
AND

Fort Ord, California 93941

This order will not be furnished to any commercial
enterprise or representative thereof to be used for
purpose of solicitation. (Paragraph 4, AR 210-7)

3 December 1971

SPECIAL ORDERS
NUMBER 337
EXTRACT

598. TC 205. Following individual reassigned to Transfer Station or
Transfer Point for separation processing and will proceed on PERMANENT
CHANGE OF STATION as indicated below:

JARRELL, STEPHEN P 237-98-0519 PV1 09B00 USA Pers Con Fac USATC Inf (WOMY1N)
Ft Ord CA 93941

ADMINISTRATIVE ACCOUNTING DATA

Auth: Ltr, AGRZ-SFM RC, DA TAGO, 8 Jul 69. Subj: Active Army Separation

HOR: Goldsboro NC

PL EAD or OAD: Raleigh NC

Maj Comd/Agcy: HQ Sixth USA

SPN: 246

ETS: 7 Dec 71

Component: RA

PCS MDC: NZE2

FOR THE INDIVIDUAL

Assigned to: US Army Transfer Point (WOMY1A) this sta

Reporting date: 7 December 1971

Special Instructions: NONE

599. TC 300. Following individual DISCHARGED as indicated.

JARRELL, STEPHEN P 237-98-0519 PV1 09B00 USA Transfer Point (WOMY1A) Ft Ord CA

ADMINISTRATIVE ACCOUNTING DATA

Auth: Chapter 10, AR 635-200

HOR: Goldsboro NC

Perm adrs: 2804 Guyton, Goldsboro NC 27346

PL EAD or OAD: Raleigh NC

Last perm dy sta: Ft Ord, CA

SPN: 246

PCS MDC: 7BE2

FOR THE INDIVIDUAL

Reserve grade, component: NA

Reserve assignment: NA

Effective date of discharge: 7 December 1971

Type of discharge: UNDER OTHER THAN HONORABLE CONDITIONS--DD FORM 256A

Reason: NA

UMTS Act obligation: NA

Special Instructions: (a) Comply with the following numbered items of DA
Supplemental Instructions (Appendix B, AR 310-10). 15

Exhibit D 2.

Para 599 SO 337 DA HQ USATC Inf, Ft Ord, Ft Ord CA 93941 dtd 3 Dec 71 (Cont)

FOR THE COMMANDER:



W. K. DIELEMAN
Colonel, GS
Chief of Staff

JAMES C. FUKUHARA

LTC, AGC

Adjutant General

()

DISTRIBUTION:

1 - AMNOR-DSEC

1 - AMNOR-AGAL

25 - AMNOR-EC-SA

1 - AMNOR-AGFP, ATTN: LT Newberry

1 - Provost Marshal

1 - Post Cnf Fac, ATTN: LT Harris

5 - USA Pers Con Fac USATC Inf (WOMYLN) Ft Ord CA 93941



DEPARTMENT OF THE ARMY
BOARD FOR CORRECTION OF MILITARY RECORDS
WASHINGTON, D.C. 20310-1803

Exhibit E 1.

MEMORANDUM OF CONSIDERATION

IN THE CASE OF: JARRELL, STEPHEN P.
237-98-0519

BOARD DATE: 4 April 1990
DOCKET NUMBER: AC89-06710

I certify that hereinafter is recorded the record of consideration of the Army Board for Correction of Military Records in the case of the above-named individual. The following members, a quorum, were present.

Mr. James C. Hise	Chairperson
Mr. James E. Vick	Member
Mr. David E. York	Member
Mr. David R. Kinneer	Executive Secretary
Ms. M. S. Bemusdaffer	Examiner

The Board, established pursuant to authority contained in Title 10, United States Code, section 1552, convened at the call of the Chairperson on the above date. In accordance with Army Regulation 15-185, the application and the available military records pertinent to the corrective action requested were reviewed to determine whether the application was filed within the time established by statute, and if not, whether it would be in the interest of justice to waive the failure to timely file.

The applicant requests correction of military records as stated in the application to the Board and as restated herein.

The Board considered the following evidence:

Exhibit A - Application for correction of military records
Exhibit B - Military Personnel Records (including advisory opinion, if any)

Exhibit E 2.

ABCMR Memorandum of
Consideration (cont)

AC89-06710

There are no medical records documenting the injuries or treatment received as a result of the assault. The original medical and dental records are in the applicant's file but contain little or no information.

A DA Form 188, Extract Copy of Morning Report, shows that the applicant went AWOL again on 17 April 1971 from Company A, 3d Battalion, 1st Training Brigade.

After he returned to military control, charges were preferred against him for being AWOL from 17 April 1971 to 27 October 1971 in violation of Article 86 of the UCMJ. After being advised of his rights he submitted a request for discharge for the good of the service in lieu of trial by court-martial. He stated that he could not adjust to military life and he would go AWOL again if not released. Also, he stated that there had been no change in his medical condition since his last examination. The appropriate authority approved his request for discharge and directed that he be issued an Undesirable Discharge Certificate.

On 24 September 1981 the Army Discharge Review Board denied the applicant's request for upgrade of his discharge.

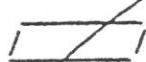
Army Regulation 635-200 sets forth the basic authority for the separation of enlisted personnel. Chapter 10 of that regulation provides, in pertinent part, that a member who has committed an offense or offenses for which the authorized punishment includes a punitive discharge may at any time after the charges have been preferred, submit a request for discharge for the good of the service in lieu of trial by court-martial. A discharge under other than honorable conditions is normally considered appropriate. However, at the time of the applicant's separation the regulation provided for the issuance of an undesirable discharge.

Title 10, United States Code, section 1552(b), provides that applications for correction of military records must be filed before 26 October 1961, or within 3 years after discovery of the alleged error or injustice, whichever is later. Failure to file within 3 years may be excused by a correction board if it finds it would be in the interest of justice to do so.

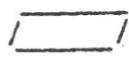
STATEMENT OF MEDICAL CONDITION (When Examined More than 3 Days Prior to Separation) (AR 40-501)		DATE 7 DEC 71	Exhibit F
LAST NAME-FIRST NAME- MIDDLE INITIAL, GRADE & SERVICE NO. (Type or Print) 237980 S-19			
<u>J ARRELL STEPHEN P PVI</u>			
ORGANIZATION <u>P C F</u>			
LAST SEPARATION EXAMINATION			
DATE <u>10 NOV 71</u>	MEDICAL TREATMENT FACILITY <u>F O A H</u>		

I underwent a separation medical examination more than 3 working days prior to my departure from place of separation.

TO THE BEST OF MY KNOWLEDGE, SINCE MY LAST SEPARATION EXAMINATION:



There has been no change in my medical condition.



My medical condition has changed as follows:

Stephen P Jarrell
(Signature of Individual)

IV. Previous lawsuits:

If you have been a Plaintiff in a lawsuit, for each lawsuit state the case number and caption.
(Example, Case Number: 2:08-cv-728 and Caption: John Smith vs. Jane Doe).

<u>Case Number</u>	<u>Caption</u>
_____	vs. _____
_____	vs. _____
_____	vs. _____

V. Relief

In this section please state (write) briefly exactly what you want the court to do for you. Make no legal argument, cite no case or statutes.

Plaintiff respectfully asks the court to order both
the National Personnel Records Center and the Army
Review Boards Agency to remove my discharge physical
examination from Stephen P. Jarrell's file and return
it to my Army records file. Leaving my Army discharge
records in my brother's files will result in irreparable
harm, both to me and my brother. In addition Plaintiff
respectfully asks the court to order the United States
to pay the Plaintiff a sum in the amount of \$1,200,000.00
dollars for damages sustained by the Plaintiff in this
case.

I state under penalty of perjury that the foregoing is true and correct. Executed on

this 5 day of November, 2019

Richard M. Jarrell
Signature of Plaintiff